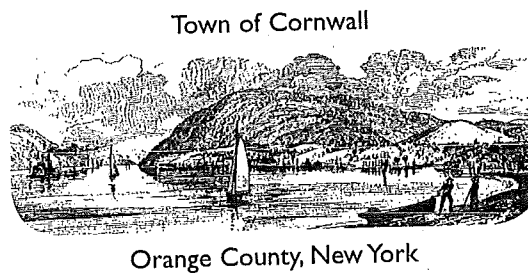


Town Hall  
183 Main Street  
Cornwall, NY 12518  
(845) 534-3760  
fax: (845) 534-4342



Office of the Supervisor  
Kevin Quigley  
Town Supervisor

**AGENDA**  
**Cornwall Town Board**  
Regular Meeting – Monday, April 8, 2013  
7:30 pm

Pledge of Allegiance

Approval of Minutes – March 11, 2013 Regular Meeting; April 2, 2013 Work Session

Public Comment Agenda Items

1. Resolution – Set Public Hearing-Amend Local Law Town Code Sec. 75-7(I)
2. Resolution – Set Public Hearing-Amend Local Law Town Code Sec. 125-2(A)(19)
3. Resolution – Set Public Hearing-Amend Local Law Town Code Sec. 158-5
4. Resolution – Set Public Hearing-Amend Local Law Town Code Sec. 158-21(H)
5. Resolution – Chamber of Commerce Fall Festival
6. Resolution – Arbor Day
7. Resolution – Revaluation Services
8. Resolution – Prosecuting Building Code Violations
9. Local Laws Nos. 2 & 3 of 2013 Filed in Secretary's Office
10. Youth Day Fishing – Black Rock Bass Busters
11. Fund Transfer
12. Surplus Vehicle – Police Department
13. Personnel:  
Appointments ZBA & Planning Board & Lifeguards

Committee Reports  
Warrant #4  
Public Comment  
Adjournment

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 75 by amending Town Code Section 75-7(I)", a copy of which is attached hereto, and

WHEREAS, the Town Board wishes to amend the Town Code provisions regarding clearing and grading to implement the provisions of the Town's Comprehensive Plan regarding land use development and environmental conservation,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
3. That a public hearing on the proposed local law be set for May \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/240377  
254-6490305  
4/4/13

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

Local Law No. \_\_\_\_\_ of the year 20<sup>13</sup>

A local law to amend Town Code Chapter 75 by amending Town Code Section 75-7(l)  
(Insert Title)

Be it enacted by the TOWN BOARD \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A Local Law to amend Town Code Chapter 75 by amending Town Code Section 75-7(I).

SECTION 1. PURPOSE

The purpose of this Local Law is to amend the Town Code provisions regarding clearing and grading to implement the provisions of the Town's Comprehensive Plan regarding land use development and environmental conservation.

SECTION 2. AMENDMENT OF CODE.

1. Town Code Section 75-6 "Activities exempt from permit requirements" is hereby amended to repeal subsection (I) and to re-enact it to read as follows:

"I. Clearing or grading which affects less than 5,000 square feet of contiguous ground surface, or clearing or grading of areas which combined total less than 10,000 square feet on any individual parcel, except where such clearing or grading takes place within the 100-year floodplain of any watercourse, within wetlands or within a 200-foot distance of any wetland or watercourse, or within a critical environmental area or within 200 feet of a critical environmental area."

2. Town Code Section 75-7(B) is hereby repealed and re-enacted to read:

"B. Simultaneously with filing an application for a permit, the applicant(s) shall pay to the Town a fee in such amount as the Town Board may set by resolution and, further, shall mail a copy of the application to the owners of any adjoining property by certified mail return receipt requested."

### SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect; impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

### SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>13</sup> of the (County)(City)(Town)(Village) of CORNWALL was duly passed by the TOWN BOARD on 20<sup>13</sup>, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on 20<sup>0</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
RENATA MCGEE TOWN CLERK

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature  
STEPHEN J. GABA, ATTORNEY  
Title

County  
City of CORNWALL  
Town  
Village

Date: \_\_\_\_\_



2

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 125 by amending Town Code Section 125-2(A)(19)", a copy of which is attached hereto, and

WHEREAS, the Town Board to amend the Town Code provisions regarding subdivision of land and preservation of trees to implement the provisions of the Town's Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
3. That a public hearing on the proposed local law be set for May \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/240400  
254-6490308  
4/4/13

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

Local Law No. \_\_\_\_\_ of the year 20<sup>13</sup>

A local law to amend Town Code Chapter 125 by amending Town Code Section 125-2 (A) (19)  
(Insert Title)

Be it enacted by the TOWN BOARD \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A Local Law to amend Town Code Chapter 125 by amending Town Code Section 125-2 (A) (19) .

#### SECTION 1. PURPOSE

The purpose of this Local Law is to amend the Town Code provisions regarding subdivision of land and preservation of trees to implement the provisions of the Town's Comprehensive Plan regarding land use development and environmental conservation.

#### SECTION 2. AMENDMENT OF CODE.

Town Code Section 125-2 "General requirements for subdivision of land," is hereby amended to repeal subsection (A) (19) and to re-enact it to read as follows:

"19. Healthy existing trees over twelve (12) inches in diameter at four (4) feet in height above ground level shall be preserved by the subdivider, except as may be waived by the Planning Board. Other existing features, such as stands of healthy mature existing trees, particularly when located adjacent to other existing healthy mature tree stands, watercourses and falls, scenic vistas, historic or archeological resources, shall be preserved insofar as possible through harmonious design of the subdivision."

#### SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>13</sup> of the (County)(City)(Town)(Village) of CORNWALL was duly passed by the TOWN BOARD on 20<sup>13</sup>, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>12</sup> of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20<sup>12</sup>, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on 20<sup>01</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on 20\_\_\_\_. (Elective Chief Executive Officer\*) Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
RENATA MCGEE, TOWN CLERK

Date: \_\_\_\_\_

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature  
STEPHEN J. GABA, ATTORNEY

Title

County  
City of CORNWALL  
Town  
Village

Date: \_\_\_\_\_

(3)

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 158 by amending Town Code Section 158-5 "Zoning Map" to change the zoning designation of certain property from "PRD" to "HC", a copy of which is attached hereto, and

WHEREAS, the Town Board wishes to change the zoning designation of the real property described on the tax maps as Section 9, Block 1, Lot 25.1,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Orange County Department of Planning for review and report, and
3. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
4. That a public hearing on the proposed local law be set for May \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,



The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/281020  
254-65403.02  
4/3/13

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

Local Law No. \_\_\_\_\_ of the year 2013

A local law to amend Town Code chapter 158 by amending Town Code Section 158-5 "Zoning Map" to  
(Insert Title)  
change the zoning designation of certain property from "PRD" to "HC"

Be it enacted by the TOWN BOARD \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A Local Law to amend Town Code Chapter 158 by amending Town Code Section 158-5 "Zoning Map" to change the zoning designation of certain property from "PRD" to "HC."

#### SECTION 1. PURPOSE

The purpose of this Local Law is to amend the Town's Zoning Code to implement the provisions of the Town's Comprehensive Plan by changing the zoning designation of certain property from "PRD" to "HC."

#### SECTION 2. AMENDMENT OF CODE.

1. Town Code Section 158-5 "Zoning Map," is hereby amended to change the zoning designation from "PRD" (Planned Residential Development) to "HC" (Highway Commercial District) of all that real property identified on the Tax Map as Section 9, Block 1, Lot 25.1, consisting of 35 +/- acres bounded on its east by US Highway 9W (southbound lanes) in the vicinity of the Academy Avenue ramps, and bounded to its southwest, west, northwest, and north by lands of Cornwall Commons, LLC and more particularly described as follows: ALL those certain pieces or parcels of land designated as Parcels 360C, 361, 363 on Release Map No. 37183-Z on file in the office of the Department of Water Supply, Gas and Electricity of the City of New York, situated, lying and being in the Town of Cornwall, Orange County, State of New York.

#### SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the language directly involved in the controversy in which judgment shall have been rendered.

#### SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>13</sup> of the (County)(City)(Town)(Village) of CORNWALL was duly passed by the TOWN BOARD on 20<sup>13</sup>, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ and was deemed duly adopted (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on 20<sup>0</sup><sup>0</sup>, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
Renata McGee, Town Clerk

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature  
STEPHEN J. GABA, ATTORNEY  
Title

County  
City of CORNWALL  
Town  
Village

Date: \_\_\_\_\_

(4)

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 158 by amending Town Code Section 158-21(H) and creating a new Code Section 158-25.2", a copy of which is attached hereto, and

WHEREAS, the Town Board wishes to amend the Town Zoning Code to implement the provisions of the Town's Comprehensive Plan regarding multiple dwellings and affordable housing,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Orange County Department of Planning for review and report, and
3. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
4. That a public hearing on the proposed local law be set for May \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/240375  
254-6490304  
4/4/13

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

Local Law No. \_\_\_\_\_ of the year 20<sup>13</sup>

A local law to amend Town Code Chapter 158 by amending Town Code Section 158-21(H)  
(Insert Title)  
and creating a new Code Section 158-25.2

Be it enacted by the TOWN BOARD \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CORNWALL

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



A Local Law to amend Town Code Chapter 158 by amending Town Code Section 158-21(H) and creating a new Code Section 158-25.2.

SECTION 1. PURPOSE

The purpose of this Local Law is to amend the Town's Zoning Code to implement the provisions of the Town's Comprehensive Plan regarding multiple dwellings and affordable housing.

SECTION 2. AMENDMENT OF CODE.

1. Town Code Section 158-21(H) "Multiple-residence development," is hereby amended as follows:

A. Sub-section (4)(a) is repealed and re-enacted to read: "(a) The base calculation for the maximum number of dwelling units on the site shall be calculated by dividing the net lot area of the parcel by 10,000 square feet."

B. Sub-section (4)(b) is repealed and re-enacted to read: "The base calculation for the maximum number of bedrooms for the site shall be 11 bedrooms per net acre. Three-bedroom or larger units shall be limited to a maximum of 25% of the total units."

C. Sub-section (4)(c) is repealed and re-enacted to read: "For one and two bedroom units which are designed for use for affordable housing for families with moderate incomes to purchase or rent, which units are by separate covenant restricted to such occupancy and use, an additional 25% of the base permitted number of units or bedrooms may be added to the number of units or bedrooms permitted on the site. Such additional housing units shall comply with the requirements of Town Code §158-25.2."

2. A new Town Code §158-25.2 is hereby enacted as follows:

§158-25.2. Affordable Housing.

In any residential development in which affordable housing is included pursuant to this Code, the housing shall comply with the following requirements:

A. Purpose. The Town Board of Cornwall recognizes that there is a lack of opportunity for individuals with moderate incomes to find housing that is affordable in the Town of Cornwall. The Town Board further recognizes that there is a need to encourage the construction of housing units for rental or sale that will be affordable to households earning between 60% and 100% of the Orange County median income and to ensure that these units remain affordable in perpetuity for the benefit of current and future residents of Cornwall.

B. Definition of affordable housing units. As used throughout this section, the term "affordable housing unit" refers to a single-family or multifamily housing unit that is owned or rented by an eligible household and priced so as to be affordable to the people who live and work in the Town of Cornwall who cannot otherwise afford market-rate housing.

C. Development standards.

- (1) Physical integration. All affordable housing units must be physically integrated into the design of the development and constructed with the same quality building materials as the market-rate units. The exterior finishes for affordable housing units shall be indistinguishable from all other units. The developer may, however, substitute different appliances and interior hardware or other interior

finishes where such substitutions would not adversely impact the livability of the unit. The affordable housing units shall be integrated with the market-rate units in such a manner that no more than two affordable housing units abut one another.

- (2) Minimum floor area. The gross floor area per affordable housing unit shall be no less than 80% of comparable market-rate units in the development or meet the following minimum gross floor area standards, at the discretion of the Planning Board:

Unit Type	Minimum Floor Area (square feet)
-----------	-------------------------------------

1-bedroom	700
2-bedroom	900
3-bedroom	1,100
4-bedroom or more	1,500

- (3) Dwelling unit size and distribution. Affordable housing units shall be located throughout the development and be distributed among one-, two-, three- or four-bedroom units, in multifamily, single-family attached and single-family detached dwellings, in the same proportion as all other units in the development. However, if the total number of single-family detached dwelling units in the entire development equals or exceeds 50% of the total number of proposed dwelling units in the development, then the Planning Board may, upon request, reduce the required percentage of single-family detached affordable housing units to 20% of the total number of affordable dwelling units.

The remaining affordable units shall be built as multifamily and/or single-family attached units, and the number of bedrooms shall be in proportion to all other units in the development.

(4) Phasing.

(a) For any project that will be built in phases (or stages), the following schedule shall apply for all affordable housing units:

<u>% of Market-Rate Units Receiving CO's</u>	<u>% of Affordable Units Receiving CO's</u>
Up to 25%	0 (none required)
25% + 1 unit	At least 10%
50%	At least 50%
75%	At least 75%
100%	100%

(b) Certificates of occupancy shall be issued for market-rate units when the required percentage of affordable housing units for the respective phase (stage) has been completed.

D. Determining applicant eligibility.

(1) Income limits. To be eligible to purchase or rent an affordable housing unit, the household's aggregate annual income shall not exceed an established percentage of the Orange County median family income for a family of a particular size as determined by the US Department of HUD, as reported by the Orange County Planning Department.

(2) Other assets:

(a) Any family with net assets exceeding 50% of the cost of a two-bedroom affordable housing unit is deemed ineligible to own or rent an affordable housing unit.

(b) Any non-income-producing assets may be assigned an income-producing value and included as income by the reviewing agency when determining eligibility.

(c) The net worth of an applicant (individual or family) may not exceed 25% of the purchase price of an appropriate affordable unit.

(3) Certification of income. Families must declare to the best of their knowledge that their income will not exceed 1.5 times the limits as set by the Town Board for three years from the date of application.

E. Selection priorities. Once an applicant is determined to be eligible to participate in the affordable housing program based on income limits as set forth above or as amended by resolution of the Town Board from time to time, priority preference will be given to applicants on the basis of the following factors. An "applicant" shall be defined to include any and all family members who have reached the age of majority and who will occupy the affordable housing unit as their primary residence. Applicants seeking priority preference based on voluntary service or employment must provide a certification letter from an authorized person within such organization attesting to

the applicant's length of volunteer service or employment.

- (1) Members of Volunteer Fire Departments or Ambulance Corps operating within the Town of Cornwall and/or the Village of Cornwall-On-Hudson with a minimum of 24 months' consecutive active service: (three points - maximum six points per family).
- (2) Paid emergency service personnel, including police, fire and emergency medical services, employed within the Town of Cornwall and/or the Village of Cornwall-On-Hudson with a minimum of 24 months' employment: (two points - maximum four points per family).
- (3) Town of Cornwall and/or Village of Cornwall-On-Hudson full-time municipal employees, minimum of 12 months' employment: (two points - maximum four points per family).
- (4) School district employees for any schools that provide educational services to students who live in the Town of Cornwall or the Village of Cornwall-On-Hudson, with a minimum of 12 months' employment: (two points - maximum four points per family).
- (5) Veteran of US Armed Services, honorably discharged: (two points - maximum four points per family).
- (6) Health care workers, including skilled professions such as nurses and medical technicians, as well as orderlies working at a facility

that regularly serves patients from the Town of Cornwall and/or Village of Cornwall-On-Hudson, with a minimum of 12 months' employment: (one point - maximum two points per family).

- (7) Elderly (65 years of age or older) or disabled residents of the Town of Cornwall or the Village of Cornwall-On-Hudson: (one point).
- (8) Persons employed in the Town of Cornwall and/or Village of Cornwall-On-Hudson Town: (one point - maximum two points per family).
- (9) Town residents who reside in the Town or their immediate relatives (children or parents - one point, maximum two points per family).
- (10) Former residents who resided in the Town: (one point per family)
- (11) Other residents of Orange County: (one point per family).

F. Occupancy requirements.

- (1) Standards. To prevent underutilization of affordable housing units, at the time of purchase or rent, the following schedule of minimum occupancy shall apply:

<u>Number of Bedrooms</u>	<u>Minimum Number of Persons</u>
1	1
2	2
3	3
4	4

- (2) Residency. All affordable housing units shall be the primary residence of the owners or renters. Owners may not rent their unit to others, and renters may not sublet their unit. These restrictions shall not apply to the developer of the affordable units. Partial rentals, such as renting out a bedroom, and seasonal rentals are also prohibited.

G. Initial sale and resale of affordable housing units.

- (1) The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, shall not exceed 30% of the maximum family income allowed for such unit.
- (2) Affordable housing units shall only be Resold to eligible moderate-income households of substantially similar size. The maximum base resale price shall be calculated to include the purchase price of the affordable housing unit, adjusted for the increase in the consumer price index during the period of ownership. At no time shall the total resale price exceed the base purchase price, as set forth above, plus the cost of permanent fixed improvements and reasonable and necessary resale expenses.
- (3) The subdivision map, original deed and any subsequent deeds or instruments used to transfer title to an affordable housing unit shall include a provision indicating that the housing unit is an affordable housing unit subject to restrictions on occupancy and resale. Evidence of the inclusion of such



restrictions on the filed subdivision map shall be made prior to or simultaneous to filing the said map. The following paragraph shall be included in all deeds and other transfer instruments:

"This dwelling has been constructed for use by moderate-income families pursuant to a special affordable housing program established under the Cornwall Town Code and must be the principal dwelling of the homeowner. All future sales, resale or rental of this dwelling must be to a person who is determined to be eligible pursuant to the income limitations set forth by the Cornwall Town Board and at a price determined in accordance with the Town's affordable housing program. If any affordable housing unit is sold for an amount in excess of the maximum amount as set by the provisions of the Town Code, the Town retains the right to recapture the excess payment or unit as it deems appropriate."

H. Initial lease and renewals of affordable housing rental units.

- (1) Calculating permissible rent. Maximum monthly rent, including utilities (heat, hot water and electric), shall include an estimated cost for utilities and shall not exceed 30% of the maximum family income allowed for such unit.
- (2) Lease terms and renewal. Applicants for affordable housing rental units shall, if eligible and selected for occupancy, sign leases for a term of not more than two years. As long as the resident remains eligible and has complied with the terms of the lease, said resident shall be offered a

renewal every two years. If, at any time during the term of the lease, a resident's annual gross income should exceed the maximum income limit as set by the Town Board, said resident must notify the owner of the rental unit in writing within 30 days. Such resident may complete his/her current lease term and shall be offered a market-rate rental unit in the development, if available.

- (3) Town Board review. All lease terms shall be reviewed and approved periodically by the Town Board, or an appropriate department as designated by the Board.

I. Maintenance, upkeep and repairs.

- (1) All affordable housing units shall be maintained at the original builder's specification level. At the time of resale, the Town Board may determine that the unit has not been properly maintained and shall be authorized to impose such assessments as necessary to reasonably return the unit to its original condition. Said assessment shall be deducted from that portion of the selling price reverting to the seller of the unit.

J. Administration. The property owner shall be responsible for ensuring compliance with the terms and provisions of Section. Failure to comply with the terms and provisions hereof shall be an offense, punishable by a fine of not more than \$250 per violation. Every day on which a violation of the terms and provisions of this section exists shall be deemed a separate offense. In addition to prosecution for violations hereunder, the Town may apply to the courts for injunctive relief to remedy any violation of the terms

and provisions of this Section.

SECTION 3. SEVERABILITY.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>13</sup> of the (County)(City)(Town)(Village) of CORNWALL was duly passed by the TOWN BOARD on 20<sup>13</sup>, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted  
(Elective Chief Executive Officer\*)  
on 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Renata McGee, Town Clerk

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

STEPHEN J. GABA, ATTORNEY

\_\_\_\_\_  
Title

County

City of CORNWALL

Town

Village

Date: \_\_\_\_\_

(5)

WHEREAS, the Town Board has received a request from The Greater Cornwall Chamber of Commerce (the "Chamber") to hold its annual Fall Festival on Sunday, September 15, 2013, and

WHEREAS, the Chamber requests that Main Street be closed to vehicular traffic from the traffic circle to Hazen Street during the hours of 7:00 a.m. to 5:00 p.m. on that date, and

WHEREAS, the Chamber must submit an application to the County of Orange for a permit for the event which requires that a formal resolution of the Cornwall Town Board be presented along with the permit application,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board supports the Chamber's Fall Festival annual event and authorizes the closure of Main Street for the above date, time and distance, and

2. That the Town Clerk is directed to prepare a certified copy of this resolution for inclusion with the Chamber's application to the County of Orange.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/281531  
254-65400  
4/5/13

6

WHEREAS, trees have long played a significant role in human life, such as providing orchard crops and wood for building, use as an energy source and many other vital purposes, and

WHEREAS, trees are an important component of the natural landscape because of their aesthetic appeal, their prevention of erosion and their provision of shade and a weather-sheltered ecosystem under their foliage, and

WHEREAS, trees play an indispensable part in the environment, producing oxygen and reducing carbon dioxide in the atmosphere, and

WHEREAS, the Town of Cornwall recognizes the importance of trees and for many years has been proud to participate in the annual celebration of Arbor Day,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board wishes to celebrate Arbor Day by encouraging its citizens to participate in environmental activities in keeping with the spirit of Arbor Day, and

2. That the Town Board encourages the citizens of the Town of Cornwall to plant and care for trees in honor of this special day.



\_\_\_\_\_ presented the foregoing  
resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/281496  
254-65400  
4/5/13

7

WHEREAS, heretofore the Assessor and the Town Board have discussed conducting a revaluation update of all properties located within the Town of Cornwall, and

WHEREAS, the Assessor and the Town Board are desirous of proceeding with the property assessment revaluation process,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does hereby authorize the Assessor to procure at least three proposals for revaluation services from various companies interested in working with the Town during this process.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/281725  
254-65400  
4/8/13

8

WHEREAS, the Building Inspector of the Town has requested legal assistance in handling code enforcement violations within the Town, and

WHEREAS, the Attorneys for the Town are experienced in handling such matters,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the Attorneys for the Town to work with the Building Inspector in prosecuting building code violations, and
2. That the Attorneys for the Town will provide the Town Board with monthly reports detailing the progress of the various matters together with associated costs and expenses.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Alexander Mazzocca, Councilman, voting \_\_\_\_\_

Randolph S. Clark, Councilman, voting \_\_\_\_\_

Elizabeth Longinott, Councilwoman, voting \_\_\_\_\_

Mary Beth Greene-Krafft, Councilwoman, voting \_\_\_\_\_

D. Kevin Quigley, Supervisor, voting \_\_\_\_\_

SJG/ef/281738  
254-65400  
4/8/13